

HOUSE BILL REPORT

HB 2414

As Reported By House Committee On:

Education

Title: An act relating to death benefits for school employees.

Brief Description: Providing death benefits for school employees.

Sponsors: Representatives Stensen, Carlson, Keiser, Talcott, Santos, Quall, Haigh, Schual-Berke, Rockefeller, O'Brien, Edwards, Lantz, Ogden and Bush.

Brief History:

Committee Activity:

Education: 1/24/00, 2/1/00 [DPS].

Brief Summary of Substitute Bill

A \$150,000 death benefit is provided to school employees killed in the course of their employment paid through the applicable retirement system.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen and Wensman.

Staff: Charlie Gavigan (786-7340).

Background:

When a public school employee dies prior to retirement, the employee's family or estate generally receives death benefits through the applicable retirement system, may receive life insurance benefits if a life insurance policy is provided through the employer, and may receive Social Security benefits. As with workers throughout the state, if an employee dies as the result of a job related injury, the family or estate generally is

entitled to death benefits under the state's industrial insurance (workers' compensation) laws.

The Legislature has authorized a \$150,000 death benefit paid from retirement funds if law enforcement officers, firefighters, volunteer firefighters or reserve officers, and certain security officers are killed in the line of duty.

The state's 1999-2001 Operating Budget establishes a \$150,000 death benefit if a teacher is killed in the course of employment. The determination of eligibility for the benefit is made by the Department of Labor and Industries under industrial insurance criteria. The department then notifies the Department of General Administration if a teacher's estate is determined to be eligible for the death benefit. The death benefit is treated as a sundry (miscellaneous) claim against the state. The Department of General Administration reports to the Legislature on sundry claims; the Legislature funds the claims it agrees to be valid in the next operating budget bill. There is no statute authorizing a death benefit claim for teachers against the state.

The doctrine of sovereign immunity generally means the state must specifically allow itself to be subject to legal claims. The state subjects itself to tort claims (actions claiming state negligence), although certain procedures must be followed to initiate such claims. Other types of claims must be authorized by statute to be valid. Claims against the state typically must be reported to the Department of General Administration.

Summary of Substitute Bill:

A \$150,000 death benefit is provided to school employees killed in the course of their employment. The benefit is paid through the applicable retirement system. The determination of eligibility for the benefit is made by the Department of Labor and Industries under industrial insurance criteria. The department then notifies the Department of Retirement Systems if the employee's estate is determined to be eligible for the death benefit.

The provision in the 1999 state operating budget granting a \$150,000 death benefit as a sundry claim to teachers killed in the course of their employment is repealed.

Substitute Bill Compared to Original Bill:

The death benefit is paid through the retirement system rather than as a sundry claim against the state. The operating budget provision granting teachers a \$150,000 death benefit as a sundry claim is repealed. An emergency clause is added.

Appropriation: None.

Fiscal Note: Requested on January 24, 2000.

Effective Date of Substitute Bill: The bill contains an emergency clause and takes effect immediately, except Section 3, which takes effect September 1, 2000.

Testimony For: If a death benefit is going to be provided to any school employee, as it is for teachers in the 1999 state operating budget, it should be provided for all school employees. Teachers and classified staff should be treated equally.

Testimony Against: None.

Testified: Representative Stenson, prime sponsor; Doug Nelson, Public School Employees; Wendy Rader-Konofalski, Washington Federation of Teachers; and Karen Davis, Washington Education Association.